

**San Antonio, TX** - This morning, Congressman Charles Gonzalez (TX-20) participated in the House Transportation and Infrastructure's Subcommittee on Railroads, Pipelines, and Hazardous Material's hearing on the role of human factors in rail incidents.

The hearing, which featured testimony from elected officials and experts in the field of rail safety, is part of a larger, ongoing effort to address rail safety concerns on the federal level. Gonzalez welcomed the hearing to San Antonio in light of the alarming number of train related accidents and incidents in Bexar County over the past three years.

**Below is an embargoed copy of Gonzalez's remarks, as prepared for delivery:**

Chairwoman Brown, I thank you for the opportunity to testify for a second time as you consider the reauthorization of the Federal Rail Safety Program. Also, thank you for scheduling this hearing in San Antonio. A spate of recent train accidents in this area makes rail safety a high priority for the residents of Congressional District 20, and I am pleased to appear today on their behalf. My comments will focus on the matter of railroad safety in general.

Let me begin my remarks by stating that while some progress has been made in recent years toward improving the level of safety with which our nation's rail system operates, much remains to be done in order to ensure that railroad accidents and incidents are minimized both in number and in the extent of damage they cause. My testimony today draws upon several examples from the San Antonio area that highlights the continuing need to improve the safety performance of our nation's railroads.

The Federal Railroad Administration (FRA) reports that in 2006, for the second year in a row, the number of train accidents declined nation wide. I have seen the figures, and this is indeed good news. The FRA and our country's rail companies should be congratulated on their progress toward a better record of safety.

Despite this positive sign, however, a number of disturbing statistics in the same report reveal that we have a long way to go in preventing death and injury on the rails. While accidents, as the FRA defines them, have declined for two years in a row, they are the cause of only a tiny fraction of total train-related fatalities. Last year a total of 12,833 train-related accidents or incidents are reported to have occurred in the United States. 2,834 of these were actual train accidents, primarily involving train collisions or train derailments. This is the category of train wrecks traditionally used by the FRA in press releases claiming progress on rail safety. The

number in 2005 was 3,225, demonstrating a decline of 391 "accidents" from 2005 to 2006.

Another 2,897 wrecks involved highway-rail collisions. Highway-rail accidents are considered separately from train accidents and are statistically far more deadly. While 6 people were killed in train accidents in 2006, 362 people were killed in highway-rail accidents. As the FRA admits, fatalities in the highway-rail accident category actually increased 1.4% from 2005 to 2006.

Finally, an additional 7,102 "other incidents" occurred in 2006. The vast majority of fatalities in 2006 resulted from highway-rail collisions, or from other incidents, often involving trespassers on the rails. To reiterate, the number of fatalities due to train accidents, that is, involving individuals riding trains and killed as a result of impact in a crash, was just 6 last year, down from 33 the previous year. Sadly, the combined number of fatal train accidents, highway-rail accidents, and other train-related incidents increased from 808 in 2005 to 850 in 2006, resulting in a total of 915 deaths, up from 888 in 2005.

During the same period, 1,172 train-related accidents or incidents occurred in Texas. Of these, 58 occurred in Bexar County alone. The FRA reports that Texas led the country in reduction of number of train accidents, an encouraging statistic. Still, train accidents accounted for 342 of the state total for train-related accidents or incidents, and resulted in 3 of the 93 total train-related fatalities that occurred in Texas in 2006.

Although rail transportation will always involve a level of risk to operators and to persons in close proximity to the tracks, the number and severity of rail accidents that occur on our nation's rail system must be reduced. Efforts must be made to reduce not just train accidents and resulting fatalities, but also highway rail, and other train related incidents, as these categories also cause the largest number of fatalities. The number of serious train accidents and incidents in or near my San Antonio area Congressional district over the past few years clearly demonstrates the need for improved rail safety.

The most serious accident to occur in the past three years was one that occurred on June 28, 2004 in Macdona, TX, southwest of San Antonio. In this accident, a collision occurred between

trains owned by Union Pacific Railroad (UP) and Burlington Northern & Santa Fe Railroad (BNSF). Forty cars derailed in the accident. Tragically, one of the cars carrying toxic chlorine gas ruptured. Exposure to the gas caused the death of the conductor on the train and of two residents living nearby the crash site. Fifty other people had to be hospitalized due to chlorine exposure. Many of these victims are still suffering from their injuries today.

A month prior to the deadly June 2004 derailment, a wreck near Brackenridge High School injured three and spilled 5,600 gallons of diesel fuel along the San Antonio River. It was sheer luck that four tank cars carrying highly explosive propane did not derail. Just three months later, in September 2004, another accident occurred at the same location, this time without hazardous spills or injury. While I am thankful that these accidents were not worse, we must not resign ourselves to the powerless position of reliance upon chance in potentially deadly situations. The children at that San Antonio area school may not be spared injury in a future accident, so we must do everything in our power to prevent it.

In November 2004, a mere five months after the fatal June 2004 accident, Bexar County was once again the site of a fatal train accident. This time, a Union Pacific train car collided with the Crystal Storage Company building on the east side of San Antonio. Significant damage was done to the building, but even more important, tragically, a man sitting at his desk inside the building was crushed between the train and the walls of the building and was killed.

All told, at least six major train-related accidents or incidents occurred in Bexar County in 2004. Four people died as a result of these incidents; many who were injured continue to suffer from their injuries today.

Moreover, on February 11, 2005, just 50 miles north of the City of San Antonio, the City of San Marcos was the victim of a seven car Union Pacific train derailment. A number of the cars were carrying hazardous materials, prompting the evacuation of 200 residents. Chance was again on our side as none of the cars ruptured, and no one was injured.

Last year, another major train derailment occurred near downtown San Antonio. On October 18, 2006, seventeen Union Pacific cars jumped the tracks. Miraculously, even though the accident occurred in a highly populated area of the city, no serious injuries occurred. However,

two homes were struck by derailed cars and were severely damaged.

Some of the outstanding safety issues, which, in my opinion, have not been adequately addressed over the years include, but are not limited to, the following:

- Employee fatigue
- The use of positive train controls
- Improved safety and security of remote control train operations
- Safety inspections of locomotives and the maintenance of tracks

It is well known that limits on an employee's hours of service have not been enough to prevent employee fatigue, a concern that by the Federal Railroad Administration's own admission is a significant cause of train accidents. I am pleased that the bill to reauthorize the Federal Rail Safety Program introduced last month includes a proposal to replace outdated railroad hours of service laws with scientifically based regulations similar to hours of service standards governing truck drivers. This development begins to address concerns about fatigue as a cause of train wrecks.

With respect to positive train controls, the National Transportation Safety Board (NTSB) has been calling for the use of positive train controls since 1990, when it was listed on the NTSB's "Most Wanted List of Transportation Safety Improvements." Positive train controls are used in an effort to mitigate the severity of accidents caused by human factors. I understand that the FRA has recently announced that it has approved the first positive train control technology that automatically controls speed and movements and is designed to avoid certain accidents. I applaud the FRA on their efforts and encourage them to continue to study the use of this technology and implement it where appropriate.

Another concern is the increased use of remote controlled locomotives. The use of remote controlled locomotives has been such a concern to 43 cities and 20 counties throughout the United States that they have passed resolutions regarding the use and safety of remote controlled locomotives in their localities. In fact, because of a fatal train accident involving the use of remote controls in Syracuse, New York in December 2006, the FRA has issued a series of recommendations to the railroad industry governing the use of remote control trains.

However, history shows us that recommendations to the industry may not go far enough; actual regulations governing the use of remote control locomotives should be implemented and enforced.

Finally, the FRA must continue to ensure that the railroads are conducting the proper safety inspections, not only of the locomotives themselves, but also of the rail tracks, bridges and rail crossings. I was very concerned when Union Pacific railroad recently applied to the FRA for a waiver of certain safety inspections for trains coming from Mexico into the United States. I made my opposition to this request quite clear in a January 10, 2007 letter to the FRA Administrator, Mr. Joseph Boardman. This request was also made in 2004, but the FRA denied it. I was pleased to hear in late January that Union Pacific Railroad pulled its latest request for this waiver.

With regard to inspection of equipment and tracks, I was also pleased to read in a recent letter from Administrator Boardman that the FRA has acquired additional automated track inspection vehicles that will significantly increase the miles of track inspected. The adoption of a new "Close Call" program is also a positive safety development. This system, which allows employees to anonymously report "close call" incidents that could have resulted in an accident, but did not, will provide additional opportunities to analyze and correct problems with rail safety.

I think we can all agree that now is not the time to relax railroad safety standards and inspections. Rather, it is time to re-examine old ones, consider new safety regulations, and ensure that those in place are properly enforced.

Members of the Committee, my constituents here in Bexar County and taxpayers across this nation deserve a safer rail system. The picture of rail safety presented to you here is one of tragedy, and one of narrow escapes. None of us can afford to sit idly by, hoping that a major train accident will not cause fatalities or injuries in our neighborhoods, especially when we know that there are outstanding safety precautions that have yet to be implemented. That is why I am pleased to appear before you today to share my experiences and concerns regarding rail safety. As you consider the reauthorization of the Federal Rail Safety Program, I urge you to focus not merely on the security aspects of the nation's rail system, the protection of these assets against attack, but also on the safety of the system that our constituents rely upon.

I sincerely appreciate the Members' interest in this subject and thank the Subcommittee for

holding this extremely important field hearing.

[1] These statistics are drawn from the Federal Railroad Administration website and were accessed March 13, 2007. <http://safetydata.fra.dot.gov/officeofsafety/Default.asp>

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